REPORT ON ORGANIZED RETAIL THEFT

December 1, 2016

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

V. Glenn Fueston, Jr.
Executive Director
Governor's Office of Crime Control & Prevention

Submitted by: Governor's Office of Crime Control & Prevention
Contact:Gregory Coster/Jeffrey Zuback
410-697-9338
gregory.coster@maryland.gov
jeffrey.zuback@maryland.gov

MSAR # 10912

Organized Retail Crime
Findings and Recommendations from the Governor's Office of Crime Control and Prevention

Due to the increase in the theft thresholds in the Justice Reinvestment Act (Chapter 515 of 2016), the Maryland Retailers Association became concerned that the new thresholds could result in an increase in organized retail theft and professional boosters in the State of Maryland. Currently, Maryland's theft statute does not distinguish between organized retail thefts and other thefts. To address these concerns the legislature added the following provision to the Justice Reinvestment Act.

"SECTION 12. AND BE IT FURTHER ENACTED, That the Governor's Office of Crime Control and Prevention shall:

...

5. Review the classifications for larceny-theft under the Uniform Crime Reporting Program to determine how to distinguish shoplifting offenses from theft by organized retail crime rings; and

6. Report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly by December 1, 2016, on its findings and recommendations."

In order to satisfy this requirement, the Governor's Office of Crime Control and Prevention established an Organized Retail Theft Workgroup. This workgroup consisted of representatives from the Governor's Office of Crime Control and Prevention's Legislative and Research and Analysis Divisions, the Maryland Statistical Analysis Center, the Maryland State Police Government Affairs Unit, the Maryland State Police Professional Policing Unit, and the Maryland Retailers Association. Between June and August, the workgroup met for a total of four workgroup meetings. This report contains the results of those meetings, and the findings and recommendations required by statute.

Findings

Finding #1 – Definition of "Organized Retail Crime"

The goal of the Organized Retail Crime Workgroup was to determine how Maryland will ultimately identify and collect Organized Retail Crime data. First, the group determined that there is no uniform definition of "Organized Retail Crime." The National Retail Federation defines Organized Retail Crime as "the large-scale theft of retail merchandise with the intent to resell the merchandise for financial gain." Several states have statutes specifically defining the elements required for charging individuals with this offense. Washington State, Nebraska, Louisiana, Pennsylvania, Delaware, North Carolina, Nevada, Arizona, Texas, Wisconsin, Michigan, Ohio, Connecticut, New Jersey and Florida are among the states whose organized retail crime statutes were researched during the convening of this workgroup (See Attachment). Each state had a unique approach to how this crime was defined, and the punishments associated with conviction under each statute.

Finding #2 – Summary of Existing Data Sources

There are a number of entities that are currently collecting data associated with organized retail crime in Maryland. Again, because there is no Maryland statute formally defining organized retail crime, this information is currently not centralized, or collected in a uniform or consistent manner to allow for analysis. Below are four examples of active data collection in Maryland.

State Police Maryland Coordination and Analysis Center (MCAC)

MCAC was established as a model facility for the analysis and dissemination of information in statewide support of law enforcement, public health and welfare, public safety and homeland security. The mission of MCAC is primarily to gather, analyze, and share intelligence information with law enforcement, public health, and emergency responder personnel. Currently, MCAC's Southern Maryland Information Center is proactive in collecting organized retail crime data in Southern Maryland. There are legal and jurisdictional boundaries associated with the use of this data. Currently MCAC, because its duties are carefully delineated, only works on issues that may lead to criminal prosecutions. This may present a problem with some retailers who are not inclined to pursue criminal prosecutions.

Mid Atlantic Organized Retail Crime Alliance (MAORCA)

The MAORCA is a group of retailers who partner with law enforcement to reduce property crimes, keep shoppers safer, and lessen their chances of becoming victims. MAORCA was formed because of a need to combine efforts of law enforcement, security and loss prevention to combat the growing problem of organized retail crime. A website was developed to allow MAORCA members to share intelligence relating to the businesses and communities they serve. This shared information includes the crimes of organized theft, robberies, counterfeiting, check and credit card fraud, prescription fraud, identity theft and other scams. Currently, law enforcement agencies from Delaware, Maryland, the District of Columbia, and Virginia participate in the MAORCA. Within the MAORCA database, there is also an abundance of Organized Retail Crime data from over two dozen national retailers operating stores in the Mid-Atlantic area.

Regional Automated Property Information Database (RAPID)

On October 1, 2009 Senate Bill 597 (Chapter 562) took effect requiring pawnbrokers and secondhand precious metal dealers to report electronically daily transactions to law enforcement. In order to manage this information and make it accessible to all law enforcement around the state, the Regional Automated Property Information Database (RAPID) was created: a central repository for all transaction data of pawn, secondhand precious metal, and automotive dismantler transition records in the State. Information from the RAPID database is used as an investigative tool for law enforcement's efforts to reduce larceny-theft crimes. This data is law enforcement sensitive and is not permissible to be extracted for analysis by the Governor's Office of Crime Control & Prevention.

The Law Enforcement Retail Partnership Network (LERPnet)

Traditionally, individual retailers reported thefts to local law enforcement, but no uniform method of tracking these crimes across jurisdictions existed. In response to an alarming rise in

organized retail crime, the retail industry and the FBI teamed up to launch LERPnet. LERPnet is a secure national database for the reporting of retail theft and serious incidents which allows retailers to share information with each other and with law enforcement.

Finding #3 – Summary of New Data Sources

The workgroup conducted an analysis of how Organized Retail Crime data could be collected using current Maryland resources.

The Maryland Uniform Crime Report (UCR)

Published since 1975, the UCR reports crime statistics provided by Maryland law enforcement agencies. The Maryland UCR program was developed to report crime in Maryland to the National UCR program, which is administered by the Federal Bureau of Investigation. The UCR program collects information on crimes that have been selected as an index to represent crime in the United States. There are currently no crime statistics being gathered under the UCR program in relation to organized retail crime, specifically. The UCR does, however, capture crimes of larceny-theft, but only on the summary level. Specific incident based details of these crimes are currently not captured. Here are some highlights in regard to Larceny-Theft statistics in Maryland:

- There were 118,592 theft cases in Maryland from 2012 – 2015
- 67,817 were theft cases under $1,000
- 47, 299 were theft cases under $100
- In 2014, the value of items stolen and referenced in state cases totaled $6.9 million.
- According to the National Association of Shoplifting Prevention, only 1 of every 48 shoplifting incidents results in an offender apprehension, and subsequent court case. This means that there was an estimated theft of around $331.3 million in Maryland in 2014 alone.

Recommendations

Recommendation #1: Define "Organized Retail Crime"

The Maryland Retailers Association, in partnership with the Maryland State Police, and the Governor's Office of Crime Control & Prevention will convene a workgroup to formulate standard and unified definition for what constitutes an "Organized Retail Crime" in Maryland. This definition should take into account not only the theft of physical goods, but also bad checks, credit cards, gift cards, and identity theft as well.

Recommendation #2: Include Organized Retail Crime in the Maryland Uniform Crime Reports

Once a definition of "Organized Retail Crime" is determined, the Maryland State Uniform Crime Reporting program will work to implement the collection of organized retail crime data statewide. This data collection process will only be part of the Maryland UCR, and not the Federal UCR program. There is no statutory change required in order to include the collection of organized retail crime data in the Maryland UCR program. Law enforcement will have to be

trained on the new requirement, which would most likely not yield useable data until the year 2019.

Recommendation #3: Collect data from states already having an Organized Retail Crime statute
Maryland Retailers Association will work with the Governor's Office of Crime Control & Prevention to collect Organized Retail Crime data from states with existing statutes. The exact data fields are yet to be determined. This information will assist Maryland in establishing a statistical baseline, identifying the true scope of the problem, and estimating the number of resources that may be required going forward.

Recommendation #4: Explore a possible partnership between Maryland Retailers and the Maryland Coordination and Analysis Center (MCAC)
MCAC is currently working with the Southern Maryland Information Center on organized retail crime issues. It may be that this partnership could be expanded Statewide. The Governor's Office of Crime Control & Prevention should continue to work together with MCAC, developing a data collection process that fits within the scope of MCAC's duties. One possible area to explore would be the potential creation of a centralized database, housed at MCAC, and monitored by a dedicated analyst. This would require significant cooperation from Maryland retailers as well as significant resources. In light of these issues this would likely not be operational until 2018 or later. MCAC should assess and report to the work group on whether it would need additional resources to do this analysis.

Recommendation #5: The Governor's Office of Crime Control & Prevention should coordinate with the Police Training and Standards Commission to provide training to law enforcement officers on the following matters:

(a) Train Law Enforcement on the benefits of partnering with the Mid Atlantic Organized Retail Crime Alliance (MAORCA)

The MAORCA partnership can be one of the many effective tools to assist in the identification and investigation of Organized Retail Crime in Maryland. All Maryland law enforcement partners should be educated and trained on how to participate in the Mid Atlantic Organized Retail Crime Alliance. This training will include defining the parameters required to put cases into the database, the technical elements of managing submissions, and how to utilize the information for investigative purposes.

(b) Increased utilization of the Regional Automated Property Information Database (RAPID)

The RAPID system has assisted in the closure of thousands of theft cases in Northern Virginia, the District of Columbia, Maryland, Pennsylvania, and Delaware. RAPID identifies individuals who are attempting to sell stolen goods both within Maryland, and across state lines. This multi-state, interoperable system should continue to be utilized as part of a comprehensive Organized Retail Crime theft prevention and apprehension program.

(c) Train Law Enforcement on the benefits of participating in The Law Enforcement Retail Partnership Network (LERPnet)

The LERPnet partnership can be one of the many effective tools to assist in the identification and investigation of Organized Retail Crime in Maryland. All Maryland law enforcement partners should be educated and trained on how to participate in the Law Enforcement Retail Partnership Network. This training will include defining the parameters required to put cases into the database, the technical elements of managing submissions, and how to utilize the information for investigative purposes.

Recommendation #8: Statewide Conference on Organized Retail Crime

The Maryland Retailers Association, in partnership with the Governor's Office of Crime Control and Prevention should host a conference on organized retail crime. This conference could bring retail and law enforcement partners together, and contain a wide variety of training and information sharing topics. The Maryland Retailers Association, with the support of the Governor's Office of Crime Control and Prevention, has already begun planning a training session for January 18, 2017.

Attachment
Sample State Statutes on Organized Retail Theft

Washington State

"(1) A person is guilty of organized retail theft if he or she:
(a) Commits theft of property with a value of at least seven hundred fifty dollars from a mercantile establishment with an accomplice;
(b) Possesses stolen property, as defined in RCW **9A.56.140**, with a value of at least seven hundred fifty dollars from a mercantile establishment with an accomplice; or
(c) Commits theft of property with a cumulative value of at least seven hundred fifty dollars from one or more mercantile establishments within a period of up to one hundred eighty days.
(2) A person is guilty of organized retail theft in the first degree if the property stolen or possessed has a value of five thousand dollars or more. Organized retail theft in the first degree is a class B felony.
(3) A person is guilty of organized retail theft in the second degree if the property stolen or possessed has a value of at least seven hundred fifty dollars, but less than five thousand dollars. Organized retail theft in the second degree is a class C felony.
(4) For purposes of this section, a series of thefts committed by the same person from one or more mercantile establishments over a period of one hundred eighty days may be aggregated in one count and the sum of the value of all the property shall be the value considered in determining the degree of the organized retail theft involved. Thefts committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which any one of the thefts occurred.
(5) The mercantile establishment or establishments whose property is alleged to have been stolen may request that the charge be aggregated with other thefts of property about which the mercantile establishment or establishments is aware. In the event a request to aggregate the prosecution is declined, the mercantile establishment or establishments shall be promptly advised by the prosecuting jurisdiction making the decision to decline aggregating the prosecution of the decision and the reasons for such decision.
[2009 c 431 § 15; 2006 c 277 § 2.] (1) A person is guilty of organized retail theft if he or she:
(a) Commits theft of property with a value of at least seven hundred fifty dollars from a mercantile establishment with an accomplice;
(b) Possesses stolen property, as defined in RCW **9A.56.140**, with a value of at least seven hundred fifty dollars from a mercantile establishment with an accomplice; or
(c) Commits theft of property with a cumulative value of at least seven hundred fifty dollars from one or more mercantile establishments within a period of up to one hundred eighty days.
(2) A person is guilty of organized retail theft in the first degree if the property stolen or possessed has a value of five thousand dollars or more. Organized retail theft in the first degree is a class B felony.
(3) A person is guilty of organized retail theft in the second degree if the property stolen or possessed has a value of at least seven hundred fifty dollars, but less than five thousand dollars. Organized retail theft in the second degree is a class C felony.

(4) For purposes of this section, a series of thefts committed by the same person from one or more mercantile establishments over a period of one hundred eighty days may be aggregated in one count and the sum of the value of all the property shall be the value considered in determining the degree of the organized retail theft involved. Thefts committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which any one of the thefts occurred.
(5) The mercantile establishment or establishments whose property is alleged to have been stolen may request that the charge be aggregated with other thefts of property about which the mercantile establishment or establishments is aware. In the event a request to aggregate the prosecution is declined, the mercantile establishment or establishments shall be promptly advised by the prosecuting jurisdiction making the decision to decline aggregating the prosecution of the decision and the reasons for such decision.
[2009 c 431 § 15; 2006 c 277 § 2.]"

North Carolina

1. "(a) A person is guilty of a Class H felony if the person:
    1. (1) Conspires with another person to commit theft of retail property from retail establishments, with a value exceeding one thousand five hundred dollars ($1,500) aggregated over a 90-day period, with the intent to sell that retail property for monetary or other gain, and who takes or causes that retail property to be placed in the control of a retail property fence or other person in exchange for consideration.
    2. (2) Receives or possesses any retail property that has been taken or stolen in violation of subdivision (1) of this subsection while knowing or having reasonable grounds to believe the property is stolen.

444889880. (b) Any interest a person has acquired or maintained in violation of this section shall be
subject to forfeiture pursuant to the procedures for forfeiture set out in G.S. 18B-504.
(2007-373, s. 3; 2008-187, s. 34(c).)"

Nevada

"NRS 205.08345 Participation in organized retail theft; penalties; determination of amount involved in thefts committed by organized retail theft; venue.

1. A person who participates in organized retail theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 90 days is at least $3,500 but less than $10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(b) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 90 days is $10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than $20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 90 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in the organized retail theft was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:

(a) "Merchant" has the meaning ascribed to it in NRS 597.850.

(b) "Organized retail theft" means committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants in this State with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade or barter the merchandise for value.

(Added to NRS by 2007, 682; A 2011, 161; 2013, 425)

NRS 205.0835 Penalties.

1. Unless a greater penalty is imposed by a specific statute and unless the provisions of NRS 205.08345 apply under the circumstances, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.

2. If the value of the property or services involved in the theft is less than $650, the person who committed the theft is guilty of a misdemeanor.

3. If the value of the property or services involved in the theft is $650 or more but less than $3,500, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. If the value of the property or services involved in the theft is $3,500 or more, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

5. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

(Added to NRS by 1989, 1205; A 1995, 1216; 1997, 340; 2007, 683; 2011, 162)"

Arizona

"13-1805. Shoplifting; detaining suspect; defense to wrongful detention; civil action by merchant; public services; classification

A. A person commits shoplifting if, while in an establishment in which merchandise is displayed for sale, the person knowingly obtains such goods of another with the intent to deprive that person of such goods by:

1. Removing any of the goods from the immediate display or from any other place within the establishment without paying the purchase price; or

2. Charging the purchase price of the goods to a fictitious person or any person without that person's authority; or
3. Paying less than the purchase price of the goods by some trick or artifice such as altering, removing, substituting or otherwise disfiguring any label, price tag or marking; or
4. Transferring the goods from one container to another; or
5. Concealment.
B. A person is presumed to have the necessary culpable mental state pursuant to subsection A of this section if the person does either of the following:
1. Knowingly conceals on himself or another person unpurchased merchandise of any mercantile establishment while within the mercantile establishment.
2. Uses an artifice, instrument, container, device or other article to facilitate the shoplifting.
C. A merchant, or a merchant's agent or employee, with reasonable cause, may detain on the premises in a reasonable manner and for a reasonable time any person who is suspected of shoplifting as prescribed in subsection A of this section for questioning or summoning a law enforcement officer.
D. Reasonable cause is a defense to a civil or criminal action against a peace officer, a merchant or an agent or employee of the merchant for false arrest, false or unlawful imprisonment or wrongful detention.
E. If a minor engages in conduct that violates subsection A of this section, notwithstanding the fact that the minor may not be held responsible because of the person's minority, any merchant who is injured by the shoplifting of the minor may bring a civil action against the parent or legal guardian of the minor under either section 12-661 or 12-692.
F. Any merchant who is injured by the shoplifting of an adult or emancipated minor in violation of subsection A of this section may bring a civil action against the adult or emancipated minor pursuant to section 12-691.
G. In imposing sentence on a person who is convicted of violating this section, the court may require any person to perform public services designated by the court in addition to or in lieu of any fine that the court might impose.
H. Shoplifting property with a value of two thousand dollars or more, shoplifting property during any continuing criminal episode or shoplifting property if done to promote, further or assist any criminal street gang or criminal syndicate is a class 5 felony. Shoplifting property with a value of one thousand dollars or more but less than two thousand dollars is a class 6 felony. Shoplifting property valued at less than one thousand dollars is a class 1 misdemeanor, unless the property is a firearm in which case the shoplifting is a class 6 felony. For the purposes of this subsection, "continuing criminal episode" means theft of property with a value of one thousand five hundred dollars or more if committed during at least three separate incidences within a period of ninety consecutive days.
I. A person who in the course of shoplifting uses an artifice, instrument, container, device or other article with the intent to facilitate shoplifting or who commits shoplifting and who has previously committed or been convicted within the past five years of two or more offenses involving burglary, shoplifting, robbery, organized retail theft or theft is guilty of a class 4 felony."

Nebraska
"A violation of this Act shall be punished for a first offense by imprisonment in the house of correction for not more than two and one half years or by a fine of not more than one thousand

dollars or by both such fine and imprisonment, and for a second or subsequent offense by imprisonment in the state prison for not more than five years, or by a fine of not more than twenty-five thousand dollars or by both such fine and imprisonment."

"Venue for criminal actions to enforce the provisions of this Section, including criminal actions with respect to each of the alleged offenses included within a pattern of criminal offenses, as defined in this Section, that have allegedly been committed, attempted or conspired to be committed by a person or persons, shall be in any county in which at least one alleged criminal offense has occurred that constitutes part of the alleged pattern of criminal offenses, it being the intent of this section that one district court may have jurisdiction over all the conduct, persons and property which are part of, or are directly related to, each and all of the alleged criminal offenses forming part of the alleged pattern of criminal offenses. It is discretionary, not mandatory, to bring all criminal actions in one county when an alleged pattern of criminal offenses involves two or more counties."

"Any person who engages in a pattern of criminal offenses in two or more counties in this state or who attempts or conspires with others to engage in a pattern of criminal offenses shall, upon conviction, be punishable by imprisonment in the house of corrections for a term not exceeding two years, or imprisonment in the house of corrections for a term not exceeding one year, or by a fine in an amount not more than twenty-five thousand dollars, or by both such fine and imprisonment. Such punishment shall be in addition to and imprisoned on and after any penalty imposed for any offense involved in the pattern of criminal offenses."

"For purposes of this act, "pattern of criminal offenses" means: Two or more criminal offenses are committed that are part of the same plan, scheme, or adventure; or a sequence of two or more of the same criminal offenses are committed and are not separated by an interval of more than thirty (30) days between the first and second offense, the second and third, and so on; or two or more criminal offenses are committed, each proceeding from or having as an antecedent element a single prior incident or pattern of fraud, robbery, burglary, theft, identity theft, receipt of stolen property, false personating, false pretenses, obtaining property by trick or deception, taking a credit or debit card without consent, or the making, transferring or receiving of a false or fraudulent identification card."

"Organized retail crime shall be defined as the stealing, embezzlement, or obtaining by fraud, false pretenses, or other illegal means, of retail merchandise in qualities that would not normally be purchased for personal use or consumption for the purpose of reselling or otherwise reentering such retail merchandise in commerce; or the recruitment of persons to undertake, or the coordination, organization, or facilitation of, such stealing, embezzlement, or obtaining by fraud, false pretenses, or other illegal means."

"An Organized Retail Crime Ring is defined as three or more persons who associate for the purpose of engaging in the conduct of organized retail crime."

"A person who is guilty of organized retail crime shall be punished by imprisonment in a state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, if the aggregated value of the property or services involved in all crimes commitment by the individual or co-conspirators in an organized retail crime ring within the past one hundred and eighty days is at least $2,500 but less than $10,000; or (2) by imprisonment in a state prison of not less than 2 years and a maximum term of not more than 15 years, if the aggregated value of the property or services involved in all crimes commitment by the individual or

co-conspirators in an organized retail crime ring within the past one hundred and eighty days is at least $10,000 or more."
"For purposes of this section, a series of thefts committed by the same person from one or more mercantile establishments over a period of one hundred eighty days may be aggregated in one count and the sum of the value of all the property shall be the value considered in determining the degree of the organized retail theft involved."
"Thefts committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which one of the thefts occurred."

Texas
"(c) An offense under this section is:
(1) a state jail felony if the total value of the merchandise involved in the activity is $1,500 or more but less than $20,000;
(2) a felony of the third degree if the total value of the merchandise involved in the activity is $20,000 or more but less than $100,000;
(3) a felony of the second degree if the total value of the merchandise involved in the activity is $100,000 or more but less than $200,000; or
(4) a felony of the first degree if the total value of the merchandise involved in the activity is $200,000 or more.
(d) An offense described for purposes of punishment by Subsections (c)(1)-(3) is increased to the next higher category of offense if it is shown on the trial of the offense that the person organized, supervised, financed, or managed one or more other persons engaged in an activity described by Subsection (b)."

Louisiana
"B. Organized retail theft is the intentional procuring, receiving, or concealing of stolen retail property with the intent to sell, deliver, or distribute that property.
C. It shall be presumptive evidence that the owner or operator of any retail establishment has violated Subsection B of this Section when:
(1) On more than one occasion within any one-hundred-eighty-day period the offender has intentionally possessed, procured, received, or concealed stolen retail property; and
(2) The stolen retail property was possessed, procured, received, or concealed from or on behalf of any person who:
(a) Did not have a proper business license; or
(b) Did not pay sales or use taxes to the state or the appropriate local government subdivision in the jurisdiction where the possessing, procuring, receiving, or concealing took place for the transfer of the items to the owner or operator of the retail establishment; or
(c) Accepted a cash payment for the stolen retail property and did not provide the owner or operator of the possessing, procuring, receiving, or concealing retail establishment an invoice for the sale.
D. Whoever commits the crime of organized retail theft when the aggregate amount of the misappropriation, taking, purchasing, possessing, procuring, receiving, or concealing in any one-hundred-eighty-day period amounts to a value less than five hundred dollars shall be imprisoned with or without hard labor for not more than two years, or may be fined not more than two thousand dollars, or both.

E. Whoever commits the crime of organized retail theft when the aggregate amount of the misappropriation, taking, purchasing, possessing, procuring, receiving, or concealing in any one-hundred-eighty-day period amounts to a value more than five hundred dollars shall be imprisoned with or without hard labor for not more than ten years, or may be fined not more than ten thousand dollars, or both."

Wisconsin
"guilty of a Class I felony if all of the following apply:
(a) The value of the merchandise does not exceed $500.
(b) The person agrees or combines with another to commit the violation.
(c) The person intends to sell the merchandise by means of the Internet."

Michigan
"(1) A person is guilty of organized retail crime when that person, alone or in association with another person, does any of the following:
(a) Knowingly commits an organized retail crime.
(b) Organizes, supervises, finances, or otherwise manages or assists another person in committing an organized retail crime.
(c) Removes, destroys, deactivates, or knowingly evades any component of an antishoplifting or inventory control device to prevent the activation of that device or to facilitate another person in committing an organized retail crime.
(d) Conspires with another person to commit an organized retail crime.
(e) Receives, purchases, or possesses retail merchandise for sale or resale knowing or believing the retail merchandise to be stolen from a retail merchant.
(f) Uses any artifice, instrument, container, device, or other article to facilitate the commission of an organized retail crime act.
(g) Knowingly causes a fire exit alarm to sound or otherwise activate, or deactivates or prevents a fire exit alarm from sounding, in the commission of an organized retail crime or to facilitate the commission of an organized retail crime by another person.
(h) Knowingly purchases a wireless telecommunication device using fraudulent credit, knowingly procures a wireless telecommunications service agreement with the intent to defraud another person or to breach that agreement, or uses another person to obtain a wireless telecommunications service agreement with the intent to defraud another person or to breach that agreement.
(2) Organized retail crime is a felony punishable by imprisonment for not more than 5 years or a fine of $5,000.00, or both.
(3) If the true owner of stolen retail merchandise cannot be identified, the retail merchandise, and any proceeds from the sale or resale of that merchandise, is subject to forfeiture to the state for use by the board in the performance of its duties. The court shall order forfeiture of the retail merchandise in the manner and upon terms and conditions as determined by the court to be appropriate.
(4) The court shall order a person who is found guilty of organized retail crime to make restitution to any retail merchant victim in the manner provided in the crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, and to reimburse the governmental entity for its expenses

incurred as a result of the violation of this act in the manner provided in section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f.
(5) It is not a defense to a charge under this section that the property was not stolen, embezzled, or converted property at the time of the violation if the property was explicitly represented to the accused person as being stolen, embezzled, or converted property."

Ohio
"(i) Organized retail theft;
(ii) Conduct that constitutes one or more violations of any law of any state other than this state, that is substantially similar to organized retail theft, and that if committed in this state would be organized retail theft, if the defendant was convicted of or pleaded guilty to the conduct in a criminal proceeding in the other state.
(b) By enacting division (I)(5)(a) of this section, it is the intent of the general assembly to add organized retail theft and the conduct described in division (I)(5)(a)(ii) of this section as conduct constituting corrupt activity. The enactment of division (I)(5)(a) of this section and the addition by division (I)(5)(a) of this section of organized retail theft and the conduct described in division (I)(5)(a)(ii) of this section as conduct constituting corrupt activity does not limit or preclude, and shall not be construed as limiting or precluding, any prosecution for a violation of section 2923.32 of the Revised Code that is based on one or more violations of section 2913.02 or 2913.51 of the Revised Code, one or more similar offenses under the laws of this state or any other state, or any combination of any of those violations or similar offenses, even though the conduct constituting the basis for those violations or offenses could be construed as also constituting organized retail theft or conduct of the type described in division (I)(5)(a)(ii) of this section."

Connecticut
"(b) Any person who, for financial gain and in conjunction with one or more other persons, commits larceny by shoplifting, as defined in section 53a-119 of the general statutes, of retail property having an aggregate value exceeding two thousand dollars and (1) wrongfully takes such property during a period of one hundred eighty days, or (2) sells, delivers or otherwise transfers such property to a retail property fence, shall have committed the offense of organized retail theft.
(c) Any person who receives, possesses, conceals, stores, barters, sells or disposes of any retail property acquired in violation of subsection (b) of this section, with the intent to distribute the proceeds or otherwise promote, manage, carry on or facilitate a violation of said subsection, shall have committed the offense of accessory to organized retail theft.
(d) It shall not be a defense to a charge of accessory to organized retail theft in violation of subsection (c) of this section that the retail property was obtained by means other than through a violation of said subsection if the property was explicitly represented to the person charged under said subsection (c) as being obtained through the commission of organized retail theft.
(e) Any person who violates subsection (b) or (c) of this section shall be guilty of a class D felony, except that, if such person derives a financial benefit of ten thousand dollars or more as a result of such violation, such person shall be guilty of a class C felony."

New Jersey

"2C:20-11.2 Leader of organized retail theft enterprise.
2.A person is a leader of an organized retail theft enterprise if he conspires with others as an organizer, supervisor, financier or manager, to engage for profit in a scheme or course of conduct to effectuate the transfer or sale of shoplifted merchandise. Leader of organized retail theft enterprise is a crime of the second degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, the court may impose a fine not to exceed $250,000 or five times the retail value of the merchandise seized at the time of the arrest, whichever is greater.

Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of leader of organized retail theft enterprise shall not merge with the conviction for any offense which is the object of the conspiracy. Nothing contained in this section shall prohibit the court from imposing an extended term pursuant to N.J.S.2C:43-7; nor shall this section be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction for any other offense.

It shall not be necessary in any prosecution under this section for the State to prove that any intended profit was actually realized. The trier of fact may infer that a particular scheme or course of conduct was undertaken for profit from all of the attending circumstances, including but not limited to the number of persons involved in the scheme or course of conduct, the actor's net worth and his expenditures in relation to his legitimate sources of income, the amount of merchandise involved, or the amount of cash or currency involved.

It shall not be a defense to a prosecution under this section that any shoplifted merchandise was brought into or transported in this State solely for ultimate distribution in another jurisdiction; nor shall it be a defense that any profit was intended to be made in another jurisdiction."

Pennsylvania
"§ 3929.3. Organized retail theft.
(a) Offense defined.--A person commits organized retail theft if the person organizes, coordinates, controls, supervises, finances or manages any of the activities of an organized retail theft enterprise.
(b) Grading.--
(1) If the retail value of the stolen merchandise in the possession of or under the control of the organized retail theft enterprise is at least $5,000, but not more than $19,999, the offense is a felony of the third degree.
(2) If the retail value of the stolen merchandise in the possession of or under the control of the organized retail theft enterprise is at least $20,000, the offense is a felony of the second degree.
(c) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection:
"Merchandise." Any goods, chattels, foodstuffs or wares of any type and description, regardless of the value thereof.
"Merchant." An owner or operator of a retail mercantile establishment or an agent, employee, lessee, consignee, officer, director, franchise or independent contractor of such owner or operator.

"Organized retail theft enterprise." A corporation, partnership or any other type of association, whether or not legally formed, operated for the purpose of engaging in violations of the provisions of section 3925 (relating to receiving stolen property) or 3929 (relating to retail theft).
"Retail value." A merchant's stated or advertised price of merchandise. If merchandise is not traceable to a specific merchant, the stated or advertised price of the merchandise by merchants in the same geographical region.
(June 16, 2010, P.L.212, No.33, eff. 60 days)"

Delaware
""§841B. Theft: Organized Retail Crime; class A misdemeanor; class E felony.
(a) A person is guilty of "Theft: Organized Retail Crime" when the person takes, exercises control over, or obtains retail merchandise of another person intending to deprive that person of it, or receives stolen property in violation of § 851 of Title 11, in quantities that would not normally be purchased for personal use or consumption, with the intent to appropriate or to resell or re-enter the merchandise into commerce.
(b) For purposes of this section, a series of organized retail crime thefts committed by a person or group of persons may be aggregated into one count or charge, with the sum of the value of all the retail merchandise being the value considered in determining the degree of Theft: Organized Retail Crime.
(c) In addition to the provisions of §841(c) and (d) of this chapter, if a defendant has two or more times been convicted of Theft: Organized Retail Crime, the offense of Theft: Organized Retail Crime is a class E felony."

Florida
"(2) Upon a second or subsequent conviction for petit theft from a merchant, farmer, or transit agency, the offender shall be punished as provided in s. 812.014(3), except that the court shall impose a fine of not less than $50 or more than $1,000. However, in lieu of such fine, the court may require the offender to perform public services designated by the court. In no event shall any such offender be required to perform fewer than the number of hours of public service necessary to satisfy the fine assessed by the court, as provided by this subsection, at the minimum wage prevailing in the state at the time of sentencing."
"(8) Except as provided in subsection (9), a person who commits retail theft commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is valued at $300 or more, and the person:
(a) Individually, or in concert with one or more other persons, coordinates the activities of one or more individuals in committing the offense, in which case the amount of each individual theft is aggregated to determine the value of the property stolen;
(b) Commits theft from more than one location within a 48-hour period, in which case the amount of each individual theft is aggregated to determine the value of the property stolen;
(c) Acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense, or acts in other ways to coordinate efforts to carry out the offense; or

(d) Commits the offense through the purchase of merchandise in a package or box that contains merchandise other than, or in addition to, the merchandise purported to be contained in the package or box."

"(9) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person:

(a) Violates subsection (8) and has previously been convicted of a violation of subsection (8); or

(b) Individually, or in concert with one or more other persons, coordinates the activities of one or more persons in committing the offense of retail theft where the stolen property has a value in excess of $3,000."